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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,132	11/20/2003	Reidar Wasenius	KOLS.072PA	9090
7590 04/11/2008 Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425				
EXAMINER				
SALCT, JASON P				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/718,132

Applicant(s)

WASENIUS, REIDAR

Examiner

Jason P. Salce

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3-7 and 9-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1, 3-7 and 9-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 7-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waki et al. (U.S. Patent No. 7,194,758) in view of Orui (U.S. Patent No. 6,565,437).

Referring to claim 1, Waki discloses storing user specific parameters regarding at least one television program in a network element, said user specific parameters including information identifying a mobile station of said user and information indicating an event said user is interested in (**see Column 23, Line 49 through Column 24, Line 54 for transmitting the mobile device's phone number and a program ID and answer to the host station, where the information is stored and processed in order to determine if the user has answered the question correctly**).

Waki also discloses transmitting at least one message from said network element via a cellular radio system (**see public phone network 205 in Figure 1 and Column 31, Lines 41-54**) to said mobile station when said at least one television program is being broadcasted and said event occurs in the broadcasted program (**see Column 23, Line 11 through Column 24, Line 54 for answering questions while a television quiz show program is displayed to the user and informing the user if his/her answers are correct and further Column 33, Lines 21-28 for sending the user's cellular phone/operating device his/her quiz results**).

Although Waki discloses sending a notification to the user's operating device specifying if the user's answers were correct (**by winning a prize**), Waki fails to specify if the notification is displayed to the viewer or if an audible notification is presented to the user.

Orui discloses displaying on a display of said mobile station information included in said at least one message in order to provide said user with information about said event via said mobile station (**see Figure 5 and Column 7, Lines 5-14**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the operating device/mobile device, as taught by Waki, to display the quiz results on the display screen of the mobile device, as taught by Orui, for the purpose of allowing a user to know which quiz answers he/she answered correctly.

Referring to claim 3, Waki also discloses that said TV apparatus is controlled to display predetermined text TV pages, as such or overlaid (**see Column 16, Lines 1-8 for displaying EPG pages to the viewer**).

Referring to claim 4, Waki also discloses transmitting additional information relating to the program (**see Column 23, Lines 30-37 for receiving questions for the quiz show**).

Referring to claim 5, see the rejection of claim 1.

Referring to claim 7, see the rejection of claim 1 and further note Waki for the network element (**host station 206 in Figure 1**), further containing an interface to a cellular radio system for communicating with mobile stations of said system (**see communications unit 508 in Figure 5**), a memory for storing user specific parameters including information identifying a mobile station of said user (**see memory 502 in Figure 5 and Column 28, Lines 4-9**) and a processing unit for performing the functions described in claim 1 (**see CPU 501 in Figure 5**).

Referring to claim 8, Waki discloses that said network element further comprises an interface to a television broadcasting system (**see send/receive control card 509 in Figure 5 and Column 14, Line 56 through Column 15, Line 9**) for receiving signals indicating the moments when predetermined events occur in the broadcasted television

program (**see Column 14, Lines 14-19 for the group of program data stored in storage units 516, received by card 509, contains information to specify each program and condition information showing conditions to watch the program**).

Referring to claim 9, see the rejection of claims 4 and 7-8. Also further note the prize and quiz (**first and second**) embodiments in the specification of Waki.

Referring to claim 10, see the rejection of claim 4.

Referring to claim 11, Waki discloses storing program information in memory (**see Column 14, Lines 14-19**).

Waki also discloses that said processing unit is configured to retrieve program information from said memory and to transmit said retrieved program information via said cellular radio system to a mobile station as a response to a request for program information received from said mobile station (**see Column 34, Lines 15-24**).

Referring to claim 12, Waki discloses that the processing unit is configured to receive, via said cellular radio system, from a mobile station, information including user specific parameters for a television program, and to store the received user specific parameters including information identifying the mobile station in memory (**see the rejection of claim 1**).

Referring to claim 14, see the rejection of claim 1.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waki et al. (U.S. Patent No. 7,194,758) in view of Orui (U.S. Patent No. 6,565,437) in further view of Slotznick (U.S. Patent Application Publication 2001/0055951).

Referring to claim 6, Waki and Orui disclose all of the limitations of claim 5, but fail to disclose that the at least one message is selected in order to control the mobile station to transmit control signals to the TV apparatus for controlling said TV apparatus to display predetermined text TV pages, as such or overlaid, when said event occurs in the program.

Slotznick discloses receiving information at a mobile station (**an event occurs**) and transmitting control signals to a TV apparatus, which causes graphics or web page information to be displayed on the television apparatus (**see Paragraphs 0030, 0033-0034 and 0091-0099**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the mobile devices and receiving devices, as taught by Waki and Orui, using the control signals transmitted from the mobile device to the receiving device, as taught by Slotznick, for the purpose of viewing the supplemental content received by a mobile device to be displayed not only in larger print but considerably more detail on the TV apparatus (**see Paragraph 0033 of Slotznick**).

Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waki et al. (U.S. Patent No. 7,194,758) in view of Orui (U.S. Patent No. 6,565,437) in further view of Sumita et al. (U.S. Patent Application Publication 2003/0100962).

Referring to claim 13, Waki and Orui disclose all of the limitations in claim 7, but fail to teach retrieving control data from a database that stores a set of control data for each different TV apparatus model and transmitting the information to a mobile station.

Sumita discloses a network element that further comprises a memory containing a list of different TV apparatus models and for each TV apparatus model information defining the control signals for controlling the respective TV apparatus model (**see database center 7, which includes database 71 in Figure 1 and Paragraph 0078**).

Sumita also discloses that a processing unit is configured to retrieve the information defining the control signals from said memory for controlling a specific TV apparatus model and to transmit this information via the cellular radio system to a mobile station, as a response to a request from said mobile station (**see Figures 9-10 and Paragraphs 0090-0099**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the system of Waki and Orui, using the TV apparatus model control system, as taught by Sumita, for the purpose of allowing a user to remotely control every electrical appliance, no matter which appliance the users current have and/or will have (**see Paragraph 0010 of Sumita**).

Referring to claim 15, see the rejection of claim 13.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/
Primary Examiner, Art Unit 2623

Jason P Salce
Primary Examiner
Art Unit 2623

April 9, 2008